



OFFICE OF THE  
**BOARD OF APPEALS**  
TOWN OF DUNSTABLE  
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Accepted  
July 9, 2009

**Deshler Hearing Minutes**  
**May 28, 2009**

Members Present: Ted Gaudette, Clerk and Acting Chairperson  
Alice Ekstrom, Member  
Judy Thompson, Member  
Leo Tometich, Member  
Gerald Mead, Associate Member  
Al Horton, Associate Member  
Lisa O'Connell, Secretary and Associate Member

Members Absent: Josh West, Chairperson

Petitioners Present: Susan Deshler, 55 Lower Dam Way  
Rex Ingram, Ingram Architects, 43 Martin Road, Reading, MA 01867

Others Present: Barbara Blanco, 37 Lower Dam Way  
Daniel Locapo, 47 Lower Dam Way  
Sandra Locapo, 47 Lower Dam Way  
Brian Locapo, 59 Lower Dam Way

Ted Gaudette opened the hearing and called the meeting to order at 7:00 p.m. He read the hearing notice as posted for the record and asked the petitioner to present their case.

Rex Ingram, the architect for the project, stated that Susan Deshler is seeking a special permit to construct an in-law apartment attached to the current structure. The apartment residents will be family, her mother, and will have a separate entrance. There will be a separate kitchen and bathroom in the addition. Once finished, the structure with the addition will keep the appearance of a single family dwelling and will have a separate HVAC system.

Mr. Ingram said they are also seeking a zoning variance from the side lot line dimensional restrictions of the bylaws to minimize the impact on the site. Presently, on the east side there is a shed addition. The shed would be removed and the new addition would be constructed. It would make the structure more non-conforming, but the addition would not be visible from any right-of-way. There is room on the other side of the structure, but the intent is to minimize the impact on the site. It will be a one story addition which will fit in with the appearance of the existing house.

Ted Gaudette asked what the current dimension is from the shed to the side lot line.

Rex Ingram said 27.6 feet.

Alice Ekstrom asked the size of the patio on the opposite side.

Mr. Ingram said 30 feet by 30 feet and it is terraced.

Ted Gaudette said the new addition would be 12.5 feet from the side lot line. How close would it be to the abutter's house?

Rex Ingram said about 30 feet between the two buildings.

Alice Ekstrom asked where the septic system would be.

Mr. Ingram said it has yet to be assessed.

Ted Gaudette asked if they had a septic design.

Mr. Ingram said they decided to come to the ZBA first to see if the petition would be granted.

Ted Gaudette asked if there would be a separate heating system for the apartment.

Mr. Ingram said yes.

Alice Ekstrom asked about parking on the property.

Mr. Ingram said there would be room for three spots.

Al Horton read section 4.2 of the Dunstable Bylaws:

*“A non-conforming single or two-family residential structure may be the subject of alteration, reconstruction, extension or structural change provided that such alteration, reconstruction, extension or structural change does not increase the non-conforming nature of such structure.”*

Rex Ingram said he understood the bylaw, but they wanted to minimize the impact to the property.

Ted Gaudette said that the Board would hear the proposal, discuss the petition in the open meeting and the petitioner would have the option of withdrawing his petition for a variance if he is so inclined.

Al Horton asked the size of the porch.

Rex Ingram said it would be 12 feet by 14 to 16 feet, approximately twice the square footage.

Ted Gaudette said that it might be easier to get a variance for the septic than a permanent building. He opened up the hearing to public comment.

Barbara Blanco said she had no objection to the petition.

Brian Locapo said he had no objection and he is a direct abutter. There is presently a piece of concrete that would be removed with the changes and it would be an improvement to the property.

Leo Tometich said that the ZBA was restricted by the town's zoning bylaws.

Judy Thompson asked if the addition could be located anywhere else on the property.

Rex Ingram stated that they were shooting for minimum impact, which would put the addition closer to the lot line.

Ted Gaudette said that the Board of Health may be a substantial hurdle in getting the plans approved. He asked how old is the septic system and how many bedrooms it is currently designed for? He said that a perk test has not been done and to move forward the septic design must be approved and a deep-hole perk test would have to be done.

Rex Ingram said the entire plan was a puzzle and it was difficult to decide where to begin first.

Ted Gaudette said granting the variance may not be the best solution.

Brian Locapo said the property is steeper on the east side.

Rex Ingram said if the variance wasn't granted, then it would dictate where the septic would be laid out.

Ted Gaudette said that is if the septic needs to be moved.

Brian Locapo said the goal was to put the addition on the east side because it would look best there.

Judy Thompson said the granting of a petition is dependent on approval from the Board of Health.

Ted Gaudette said it would be contingent on the approval. He asked for more comments.

There were none.

Ted Gaudette asked for a poll from the Board.

Alice Ekstrom said it would not be more detrimental to the neighborhood.

Leo Tometich said it would be more non-conforming.

Judy Thompson said she was undecided, but it was more non-conforming.

Al Horton said that section 4.2 of the bylaws states that an alteration to a structure cannot make it more non-conforming and he would have to base his decision on the bylaws. He said there is 64.4 feet on the other side to the side line.

Ted Gaudette said based on the poll of the Board, the petition for the variance would most likely fail. He said the petitioner could withdraw the petition for a variance without prejudice and go before the Board of Health. Right now there is no hardship presented.

Rex Ingram asked about the granting of the special permit.

Lisa O'Connell said the special permit is contingent on the location of the addition and they Board would need a buildable plan. She said they could withdraw both petitions and come back before the Board at a later date.

Al Horton said that the Board could continue the hearing.

Rex Ingram asked what the Board would like to see.

Ted Gaudette said they would not want them to put a lot of effort in the details until they have met with the Board of Health.

Brian Locapo said it would be nice if the addition had a view of the water.

Ted Gaudette said that they could consider elongating the addition to fit with the bylaws. He asked the Secretary to send a letter to the Board of Health with the hearing minutes stating the ZBA met with the petitioners and are referring them to the Board of Health. The ZBA would continue the hearing until feedback is received from them.

Ted Gaudette motioned to continue the hearing until 7:00 p.m. on Thursday, July 9, 2009.

Alice Ekstrom seconded the motion and all were in favor. The hearing will be continued to 7:00 p.m. on Thursday, July 9, 2009.